



2026:AHC:12231

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43107 of 2025

Daya Shankar Agnihotri Alias Kallu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vidya Kant Rai
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard learned counsel for the applicant, Sri Brijendra Kumar, learned AGA for the State-Respondent and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of the accused-applicant seeking enlargement on bail in Case Crime No. 213 of 2020, under Sections 3/7 of the Essential Commodities Act, Police Station Chaubepur, District Kanpur Nagar.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 06.07.2020. Learned counsel for the applicant submits that similarly circumstanced co-accused Gopal Saini has already been enlarged on bail by the Co-ordinate Bench of this Court vide order dated 12.12.2025 in Criminal Misc. Bail Application No. 40212 of 2025. He submits that the applicant has criminal antecedents of six other cases to his credit which has been explained in the affidavit filed in support of the bail application. He further submits that there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant, but could not dispute the aforesaid fact.

Considering all above facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting

evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is **allowed**.

Let the accused-applicant, **Daya Shankar Agnihotri Alias Kallu**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

January 19, 2026

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(Ashutosh Srivastava,J.)